

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: #02-269
WITH RCW 42.17)	
)	REPORT OF INVESTIGATION
CITY OF BURIEN and)	
Gary Long, City Manager)	
Respondent.)	
_____)	

I.

BACKGROUND

- 1.1 On November 8, 2001, the Public Disclosure Commission received a complaint from Joseph Coomer alleging a violation of RCW 42.17.130 by the City of Burien for expending public funds in opposition to Initiative 747 through publication and distribution of an imbalanced, and negative fact sheet.
- 1.2 I-747 concerns limiting property tax increases. This measure would establish new "limit factors" for taxing districts in setting their property tax levies each year. For each local government-taxing district, the limit factor would be a 1% increase over the highest of the district's three previous annual property tax levies. For the state, the limit factor would be the lower of 1% or the rate of inflation. Taxing districts could levy higher than the limit factor with voter approval. The measure was found to have sufficient valid signatures and appeared on the Nov. 6 General Election ballot, for which it failed in King County, but passed statewide.
- 1.3 On September 29, 2000, the Public Disclosure Commission (Commission) released their interpretation and the Guidelines for Local Government Agencies, including School Districts in Election Campaigns. The Commission stated that local agencies have a responsibility, and hence authority, to communicate with the public about the operation of the agency or jurisdiction.
- 1.4 On September 13, 2001, Nancy Krier, Assistant Attorney General with the Attorney General of Washington State, released a Memorandum concerning the "statutory limits on using public funds/facilities to assist or oppose election campaigns, particularly campaigns involved ballot measures or initiative campaigns."

II.

SCOPE

- 2.1 Staff reviewed the complaint letter dated November 8, 2001, with the attached City of Burien fact sheet entitled "Initiative 747 and Impacts to Local Public Services."
- 2.2 Staff reviewed the following documents from the Respondent:
 1. December 11, 2001, response from Lisa Marshall, attorney for the City of Burien.
 2. December 19, 2001, response from Lisa Marshall, attorney for the City of Burien.
- 2.3 Staff reviewed the Management Team Summaries from Tuesday, September 25, and October 9, 2001. Staff also reviewed documentation used by the City of Burien in preparation of their I-747 fact sheet from the Municipal Research and Services Center entitled, "Use of Public Facilities to Support or Oppose Ballot Propositions."
- 2.4 Staff reviewed the Study Session meeting minutes and the regular City Council meeting minutes from July 16, September 24, October 1, October 22, November 5, November 13, and November 19, 2001.
- 2.5 Staff members of the Public Disclosure Commission (PDC) conducted an interview under oath with Gary Long, City Manager for the City of Burien on January 14, 2002, via teleconference recorded at the office of the PDC. Lisa Marshall, attorney at law for the City of Burien represented Mr. Long.
- 2.6 Staff members of the PDC conducted an interview under oath with Jan Hubbard, Director of Community Relations and Human Resources for the City of Burien on January 15, 2002, via teleconference recorded at the office of the PDC. Lisa Marshall, attorney at law for the City of Burien represented Ms. Hubbard.
- 2.7 Staff members of the PDC conducted an interview under oath with Linda Gorton, Director of Finance and Administrative Services for the City of Burien on January 17, 2002, via teleconference recorded at the office of the PDC. Lisa Marshall, attorney at law for the City of Burien represented Ms. Gorton.
- 2.8 Staff members of the PDC conducted an interview under oath with Susan Wineke, a contract consultant for the City of Burien on January 29, 2002, via teleconference recorded at the office of the PDC. Lisa Marshall, attorney at law for the City of Burien represented Ms. Wineke.

III.

LAW

3.1 **RCW 42.17.130** states in part:

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

3.2 **WAC 390-05-271** (2) RCW 42.17.130 does not prevent a public office or agency from (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

3.3 **WAC 390-05-273** states the following:

Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.130, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

3.4 **Declaratory Ruling No. 10**

Unless express authority is granted by an independent source, a local agency cannot promote a ballot proposition as "normal and regular conduct" of the agency, for to do so would be in violation of RCW 42.17.130.

IV. FINDINGS

Background

- 4.1 On October 25, 2001, the City of Burien published and distributed a fact sheet entitled "Initiative 747 and Impacts to Local Public Service." **(Exhibit 1)** According to Lisa Marshall, attorney for the City of Burien, the fact sheet was distributed to all Burien postal customers for a cost of approximately \$2,000 for printing and bulk postage. The measure appeared on the November 6, 2001, General Election ballot, for which it failed in King County, but passed statewide.
- 4.2 On November 8, 2001, the Public Disclosure Commission received a complaint from Joseph Coomer alleging a violation of RCW 42.17.130 by the City of Burien. **(Exhibit 1)** The complaint alleges that the City of Burien expended public funds in opposition to I-747 through publication and distribution of an imbalanced, and negative fact sheet.
- 4.3 According to Sandra G. Guilfoil, Assistant Director of Property Tax Division for the Washington State Department of Revenue, although I-747 establishes new "limit factors" for taxing districts in setting their annual property tax levies, a jurisdiction may still be able to increase property taxes by more than one percent due to "banked capacity." Under Referendum 47, passed in 1997, annual increases in regular property-tax collections were limited to the rate of inflation, excluding those collections not specially approved by voters. Under the referendum, a taxing district, like the City of Burien, could increase its property-tax collection by up to 6 percent if its governing board approved doing so by a two-thirds vote. If districts did not increase their property tax levies by 6 percent, they could bank the extra money they did not collect. I-747 neither repeals nor amends RCW 84.55.092, the statute allowing taxing districts to bank levy capacity, and I-747 does not affect any taxing district's previously banked levy capacity. On January 15, 2002, King County Assessor's office released King County Taxing Districts' 2002 increases¹. The City of Burien's annual property tax levy for 2002 was 6 percent, increased due to their banked capacity.

Guidelines on creating and distributing fact sheets:

- 4.4 In August 2000, the Municipal Research & Services Center Legal Staff released guidelines on RCW 42.17.130 for municipalities, entitled *Use of Public Facilities to Support or Oppose Ballot Propositions*². **(Exhibit 3)** On January 15, 2002, Jan Hubbard, Director of Community Services for the City of Burien stated that she

¹ Available at <http://www.metrokc.gov/assessor/News/TaxingDistrictIncreases02.pdf>

² Available at <http://www.mrsc.org/focus/i695/pubfac-pwm.htm>

utilized the information provided by Municipal Research & Services Center (MRSC) in preparing the City of Burien's fact sheet on I-747. The MRSC's guidelines detail the prohibition found in RCW 42.17.130 on the use of facilities of a public office to oppose a ballot measure. In part, the guidelines reminded readers that:

"...a local government could prepare an objective and neutral presentation of facts concerning a ballot measure. For example, details could be provided to citizens concerning the financial impact of an initiative on the local government, such as how revenues would be affected by its passage. Care must be taken that this information be presented in a fair, objective manner."

4.5 On September 29, 2000, and August 28, 2001, the Commission released the Guidelines for Local Government Agencies, including School Districts in Election Campaigns. **(Exhibit 4)** In brief, the Commission has operated under the presumption that local agencies have a responsibility to communicate with the public about the operation of the agency or jurisdiction. Local agencies can make an objective and fair presentation of facts relevant to a ballot proposition; however, the determination of the propriety of the public expenditure depends upon a careful consideration of such factors as the style, tenor and timing of the publication. The clause "objective and fair presentation of facts" means that in addition to presenting the facts, the materials should accurately portray the costs and other anticipated impacts of a ballot measure. On January 14, 2002, Gary Long, City Manager for the City of Burien stated he had read the guidelines **"on more than one occasion,"** including prior to producing the I-747 fact sheet. **(Exhibit 6)**

4.6 On September 13, 2001, Nancy Krier, Assistant Attorney General with the Attorney General of Washington State, released a memorandum concerning the "statutory limits on using public funds/facilities to assist or oppose election campaigns, particularly campaigns that involved ballot measures or initiative campaigns." **(Exhibit 5)** The purpose of the memo was, in part, to remind readers of the statutory prohibition of RCW 42.17.130 regarding the use of public funds to support or oppose initiative campaigns. Section V, question six of the memo provided direction on avoiding speculation concerning an initiative that, if approved by the voters, would repeal tax revenue of an agency. The question specifically addressed whether stating that the passage of the initiative would effectively end program services would violate RCW 42.17.130. Ms. Krier uses this question to demonstrate that characterizing the passage of the initiative with the ending of program services is speculation and recommends that the agency focus on the current programs administered by the agency with its current budget. This memo was available on the Public Disclosure Commission web site and forwarded to the Washington Association of Cities for distribution to members. **(Exhibit 10)** According to Jim Justin of the Washington Association of Cities, Gary Long, City of Burien City Manager, Jan Hubbard, Director of Community Services and Linda Gorton, Director of Finance, received this memo from the Association of Cities on October 4, 2001. **(Exhibit 10)**

Allegation: That the City of Burien expended public funds in opposition to I-747 through publication and distribution of a fact sheet that did not make an objective and fair presentation of facts relevant to a ballot proposition

4.7 On November 8, 2001, the Public Disclosure Commission received a complaint from Joseph Coomer alleging that the City of Burien expended public funds in opposition to I-747 through publication and distribution of an imbalanced, and negative fact sheet, in violation of RCW 42.17.130. **(Exhibit 1)** In accordance with WAC 390-05-271, RCW 42.17.130 does not prevent a public office or agency from making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency. Normal and regular conduct, as that term is used in the proviso to RCW 42.17.130, means conduct that is lawful, (i.e., specifically authorized), and usual, (i.e., not effected or authorized in or by some extraordinary means or manner).

4.8 Of the past four statewide initiatives on the General Election ballot since 1999, the City of Burien produced and distributed fact sheets on two of them. In addition to the I-747 fact sheet, the city created a fact sheet on Initiative 695 (I-695) in 1999.

(Exhibit 11) On January 15, 2002, Ms. Hubbard stated in a telephone interview under oath that the I-695 fact sheet was the only other fact sheet written for a statewide initiative or local ballot issue by the City of Burien. In the year 2000, I-722 was proposed to roll back taxes, fees, and charges adopted between July 2, 1999, and December 31, 1999, to exempt vehicles from property taxes, and to limit property tax increases. In addition, in 2000, I-745 was proposed to require that 90 percent of state and local transportation funds, including local transit taxes but excluding ferry and transit fares, be spent on road construction, improvement, and maintenance. The City of Burien did not produce or distribute fact sheets on I-722 or I-745.

4.9 The October 25, 2001, fact sheet entitled “Initiative 747 and Impacts to Local Public Service” contained the following information **(Exhibit 1)**:

- A. Under the header *Summary of the Ballot Measure*, the fact sheet stated **“if passed, Initiative 747 will affect all property tax districts in Washington State, including cities, counties, schools, police services, and fire, library, hospital, and county road districts starting in 2002.”**
- B. The fact sheet described that the initiative **“limits the increase in the regular property to either 1% or the rate of inflation, which ever is less.”**
- C. The fact sheet described that **“taxing districts could levy higher than this initiative’s limit only with voter approval. (Each special election in Burien costs approximately \$20,000).”**
- D. Under the header *Impacts on the City of Burien*, the fact sheet stated **“If initiative 747 had been in effect since 1997, the City of Burien would have had to cut about \$685,000 from its \$11 million general fund budget in 2001.”** The fact sheet provided a chart documenting the lost revenue, and highlighted the following ways the city could have cut the \$685,000, which include:

- i. laying off six police officers;
 - ii. cutting back on park maintenance in Burien by 40%;
 - iii. doubling recreation and rental fees;
 - iv. eliminating a program **“such as Moshier Pottery”**;
 - v. eliminating child care resources;
 - vi. eliminating crisis food, shelter, medical and utility bill assistance;
 - vii. eliminating Highline Community Hospital Youth Health Center;
 - viii. eliminating domestic violence shelter services;
 - ix. eliminating King County Library System’s Friday night program for teenagers.
 - E. Under the header *Impacts on Emergency Medical and Fire Services*, the fact sheet described that if I-747 had been in effect since 1997, Burien’s Fire District No. 2 would have received two million less in revenue between 1997 and 2001. The fact sheet provided a chart documenting lost revenue for Fire District No. 2, and highlighted that the district would have not purchased:
 - i. two new fire engines and an aid car to **“replace outdated and inefficient equipment”**;
 - ii. **“technologically advanced life saving equipment such as thermal imaging cameras and heart defibrillators”**;
 - iii. **“a rescue boat”**;
 - iv. training for **“personnel in updated basic life support skills”**;
 - v. hired **“three new firefighters (hiring for another three new firefighters is delayed pending the outcome of I-747).”**
 - F. Under the header *Impacts on the King County Library*, the fact sheet stated, **“revenue losses under I-747 would total \$2.7 million in 2002 and \$20.4 million in 2008 for library services. Reductions would occur in all areas of services and resources – books, technology, open hours and building maintenance.”**
- 4.10 In accordance with RCW 42.17.130, a public office or agency may make an objective and fair presentation of facts relevant to a ballot proposition. Staff found that the City of Burien made the following statements:
- 1) Under the header *Summary of the Ballot Measure*, the fact sheet provided general information on I-747’s impact on the state. The fact sheet failed to clarify I-747’s limit factor for local government-taxing districts, like the City of Burien, which would be a 1% increase over the highest of the district’s three previous annual property tax levies. It instead detailed the limit factor for the state, which would be the lower of 1% or the rate of inflation, which is more limiting. In addition, due to Burien’s banked capacity, conducting an election was not the only way taxing districts could levy higher than I-747’s limit.
 - 2) Under the header *Impacts on the City of Burien*, the fact sheet presented retrospective impacts of I-747. It used the premise that if the initiative had been in effect since 1997, the city would have needed to make cuts. The fact sheet listed personnel, services and programs that the city may have targeted for

- elimination. This section did not mention that districts could levy higher than the limit factor with voter approval in any given year, nor did it provide citizens with information on how I-747 would impact current services. In addition, the fact sheet did not detail that currently the City of Burien has an extensive amount of banked capacity, which increases the amount a local taxing district may raise property tax, without seeking voter approval.
- 3) Under the header *Impacts on Emergency Medical and Fire Services*, the fact sheet presented retrospective impacts of I-747. It used the premise that if the initiative had been in effect since 1997, the fire department would have needed to make cuts. The fact sheet listed personnel, services and programs that the fire district may have targeted for elimination. This section did not mention that fire districts could levy higher than the limit factor with voter approval in any given year, nor did it provide citizens with information on how I-747 would impact current services.
 - 4) Under the header *Impacts on the King County Library*, the fact sheet detailed projected revenue impact to library services, but did not indicate that in any given year, voter approval could change the revenue amount through a library district levy election, which is not conducted by the City of Burien. In addition, the fact sheet information provided to City of Burien residents was previously published and provided by King County Library District in their fact sheet on I-747.
- 4.11 On January 14, 2002, Gary Long, City Manager for the City of Burien provided a sworn statement via teleconference recorded at the office of the PDC. When asked who determined that a fact sheet would be published, Mr. Long stated: **“I authorized it.” (Exhibit 6)** In addition, Linda Gorton and Jan Hubbard of the City of Burien stated that Gary Long determined that the City of Burien would distribute a fact sheet and authorized its content. **(Exhibits 7 and 8)** Contributors to the fact sheet included Linda Gorton, Jan Hubbard, and Mike Mars, who are city employees. Additional contributors included a city contract employee, Susan Wineke and Julie Wallace of King County Library District. A total of seven city staff hours were spent on creating the fact sheet, which was distributed to Burien postal customers for a total cost of \$2,000 for printing and postage.
- 4.12 In accordance with RCW 42.17.130, a public office or agency may make an objective and fair presentation of facts relevant to a ballot proposition. Staff found that officials discussed methods other than the fact sheet to highlight the potential losses to city programs and services in the following manner:
- 1) On September 25, 2001, the Management Team Summary **(Exhibit 12)** documented that city manager, Gary Long: **“...discussed the possibility of doing a press release that discusses the impact of I-747; noting that if it had been imposed over the last five years the annual loss in revenue to the city would be equivalent to the loss of three police officers.”**
 - 2) On October 9, 2001, the Management Team Summary documented that Jan Hubbard: **“ discussed an educational brochure that the King County**

Library System did on I-747. She asked about the possibility of the city doing a similar piece to help educate the public on the potential for lost [sic] basic services if I-747 passes. Jan will coordinate this effort."

4.13 On December 11, and December 19, 2001, Lisa Marshall, attorney for the City of Burien, filed two responses to the complaint. **(Exhibit 2)** Ms. Marshall describes that the **"flyer contains factual statements regarding the City's plan to eliminate certain human services funding in the event the initiative passes."** Ms. Marshall states that the City of Burien fact sheet made an objective and factual presentation **"related to the expected result of the initiative' passage"** and that the flyer makes no **"for or against"** statements or statements that are **"speculative or conjecture"**. She states that the information presented could be obtained through a public information request. The fact sheet was distributed on or about October 1, for a cost of approximately \$2,000, which was approved by **"city management."** However, as previously noted in 4.7, the fact sheet presented retrospective impacts of I-747. It used the premise that if the initiative had been in effect since 1997, the city would have needed to make cuts. The fact sheet listed personnel, services and programs that the city may have targeted for elimination. Mr. Long described the cuts listed in the fact sheet **"as examples of the types of cuts that could be made."** Excluding the library district information, the fact sheet did not provide citizens with information on how I-747 would impact current services.

4.14 On January 14, 2002, Gary Long, City Manager was interviewed under oath by Public Disclosure staff via telephone. **(Exhibit 6)** During the interview, Mr. Long provided the following explanation of the development of the I-747 fact sheet:

- A. Mr. Long was asked who determined that the City of Burien would create and distribute a fact sheet on I-747. He responded, **"I approved it. The council had discussed the need to get better information out to more voters on various issues and this was one of those items."**
- B. Mr. Long was asked who determined what information would be included in the fact sheet. He responded, **"the assumption was that it had to be accurate information and it had to pertain to the City of Burien and our local services."**
- C. Mr. Long assigned Jan Hubbard, Director of Community Relations and Linda Gorton, Director of Finance, to develop the content.
- D. Mr. Long described that the retroactive approach to describe revenue losses since 1997 was chosen **"to look at a five year period and to look at the past gave us some real facts. To look to the future, it would have been conjecture."** The total revenue loss was calculated based on the **"financial director's review of the initiative and what we had received in revenue over that period of time versus what the 1% cap would have done to those revenues."**
- E. Mr. Long describe that the programs and services identified on the fact sheet that could have been cut if I-747 had been passed in 1997 were provided **"as**

examples of the types of cuts that could be made to make up for those revenue losses.”

- 4.15 On January 15, 2002, Jan Hubbard, Director of Community Services was interviewed under oath by Public Disclosure Commission staff via telephone. **(Exhibit 7)** During the interview, Ms. Hubbard provided the following explanation of the development of the I-747 fact sheet:
- A. Susan Wineke, a consultant that primarily works on the city newsletter, also worked on the fact sheet with Ms. Hubbard and Ms. Gorton. The fact sheet was reviewed and approved by Mr. Long, who made minor editing suggestions. Lisa Marshall, attorney for the City of Burien, also reviewed the fact sheet and **“approved the draft as written.”**
 - B. In addition to including information on City of Burien programs and services, information was included from the library system and fire district from Julie Wallace and Mike Mars, respectively.
 - C. Ms. Hubbard spent approximately an hour and a half working on the fact sheet.
 - D. Ms. Hubbard described the programs that could have been cut had I-747 been passed in 1997 as the services that **“are general fund operations and those are the funds that we would look at to cut when we make cuts to the budget.”**
 - E. Ms. Hubbard stated she chose not to have the PDC review their I-747 fact sheet because she felt it was similar to the one they did on I-695 and the city attorney reviewed the I-747 fact sheet.
- 4.16 On January 17, 2002, Linda Gorton, Director of Finance was interviewed under oath by PDC staff via telephone. **(Exhibit 8)** During the interview, Ms. Gorton provided the following explanation of the development of the I-747 fact sheet:
- A. Gary Long decided the City of Burien would write and distribute a fact sheet on I-747. Ms. Gorton was assigned to work on it and spent thirty minutes to an hour on her portion of the fact sheet.
 - B. Ms. Gorton described the role she played in developing the fact sheet was to **“put the property tax information together.”** Ms. Gorton recommended that the city use **“historic information rather than projected information”** because **“projecting was too speculative in light of the fact that if the 1% limit in property tax occurred, we would not be subject to that law. So I had no way to estimate forward but I could, I had the facts going back of what the impact would have been. But I couldn’t really say what it would be in the future.”**
 - C. When asked why she could not project the 1% impact to the City of Burien programs and services, Ms. Gorton stated, **“the city of Burien has an extensive amount of banked capacity...if you didn’t increase your property tax at 6% every year, but you have the ability to do that, you could bank the part you didn’t use and use it at some future time...And we have a lot of banked capacity.”**

- D. When asked why the City of Burien did not explain the City of Burien's banked capacity in the fact sheet, Ms. Gorton stated **"I guess I don't, I can't imagine why I would have."**
 - E. When asked why she provided a five-year retrospective to revenue collection, Ms. Gorton described that in 1996, property tax revenue was increased to \$3.10 due to a fire district levy and a city levy. Tax collection since 1997 stayed constant at \$1.60.
 - F. In order to accurately portray the revenue losses since 1997, Ms. Gorton removed property tax collection by an area annexed by the city.
 - G. When asked why the City of Burien included information previously published by the King County Library System, she stated **"is that what we did?"** Ms. Gorton stated that the City of Burien does not administer any levy funds collected for the King County Library system.
 - H. When asked why the fact sheet, when discussing the retroactive revenue losses, did not include any mention of voter approval, Ms. Gorton stated **"there is no need for voter approval for the City of Burien because we have so much banked capacity. So I knew that no voter approval would be required. And that's true for the foreseeable future. Meaning several years from now. It will be several years before we will use up all of our banked capacity, at which point, if the law is still in effect, we will have to go to the voters...As I recall, our property tax could rise at 6% a year for I believe eight years and we still wouldn't have to go out to the voters."** Asked again why this information was not included in the fact sheet, Ms. Gorton stated, **"Why would it be? I was giving them the facts, how it would have affected us."**
 - I. When asked if she thought the fact sheet was fairly balanced, Ms. Gorton stated she did not read the entire fact sheet.
 - J. Ms. Gorton stated that if the City of Burien did not have banked capacity, she **"would have not gone back five years and used historic data. Or, if I had gone back five years and used the historic data, I would have stated that we would need voter approval in every single year..."**
- 4.17 On January 29, 2002, Susan Wineke, Consultant for the City of Burien was interviewed under oath by Public Disclosure staff via telephone. **(Exhibit 9)** During the interview, Ms. Wineke provided the following explanation of the development of the I-747 fact sheet:
- A. Ms. Wineke began her contractual relationship with the city in December of 2000 to work on the newsletter and other public information projects. Jan Hubbard asked her to work on the I-747 fact sheet, for which she spent four and a half hours editing.
 - B. Ten years ago, Ms. Wineke produced fact sheets for the City of Bellevue on local ballot propositions.
 - C. Ms. Wineke received information from Jan Hubbard, Linda Gorton, and Mike Mars, which she used to produce a draft version of the fact sheet. She forwarded

- the draft to Jan Hubbard, Linda Gorton, Mike Mars and Gary Long for comment, and then incorporated their comments.
- D. Ms. Wineke did question why the city did not project the impacts on city services and programs, and received feedback that **“we were getting hard data from the past.”**
 - E. The I-747 fact sheet, unlike the I-695 fact sheet, was sent separately from the newsletter because the 3rd and 4th quarter distribution dates were not considered timely.
 - F. The fact sheet included information on the library system and the fire district to help the citizens of Burien understand the impact to Burien services.

Respectfully submitted this 8th day of February, 2002.

Suemary Trobaugh
Senior Political Finance Specialist

EXHIBITS LIST

- Exhibit 1** Letter of complaint and copy of brochure entitled “Initiative 747 and Impacts to Local Public Service.”
- Exhibit 2** Letters of response filed on December 11, 2001 and December 19, 2001 Lisa Marshall attorney for the City of Burien.
- Exhibit 3** Municipal Research & Services Center Legal Staff’s guidelines, entitled *Use of Public Facilities to Support or Oppose Ballot Propositions*.
- Exhibit 4** September 29, 2000 Guidelines for Local Government Agencies, including School Districts in Election Campaigns.
- Exhibit 5** September 13, 2001, Memo from Nancy Krier, Assistant Attorney General entitled “statutory limits on using public funds/facilities to **assist or** oppose election campaigns, particularly campaigns involved ballot measures or initiative campaigns.”

- Exhibit 6** Interview transcripts with Gary Long, City Manager for the City of Burien on January 14, 2002 via teleconference.
- Exhibit 7** Interview transcripts with Jan Hubbard, Director of Community Relations and Human Resources for the City of Burien on January 15, 2002 via teleconference.
- Exhibit 8** Interview transcripts with Linda Gorton, Director of Finance for the City of Burien on January 17, 2002 via teleconference.
- Exhibit 9** Interview transcripts with Susan Wineke, Consultant for the City of Burien on January 29, 2002 via teleconference. .
- Exhibit 10** Memo to file on December __, on telephone conversations with Jim Justin, Washington Association of Cities.
- Exhibit 11** In 1999, the City of Burien produced and distributed a newsletter to all postal patrons that included their fact sheet on Initiative 695 (I-695).
- Exhibit 12** Management Team Summaries from Tuesday, September 25, and October 9, 2001.